

CHAPTER NO. 759

HOUSE BILL NO. 3581

By Representative Coleman

Substituted for: Senate Bill No. 2894

By Senator Woodson

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2 and Title 68, Chapter 135, Part 1, relative to tort liability for liquefied petroleum gas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following language as a new section thereto:

§ 29-34-207.

(a) As used in this section, unless the context otherwise requires:

(1) "Liquefied petroleum gas provider" means any person or entity engaged in the business of supplying, handling, transporting, or selling at retail liquefied petroleum gas in this state; and

(2) "Liquefied petroleum gas equipment" means storage vessels, piping, liquefied petroleum gas appliances or any other item that is installed by a liquefied petroleum gas provider.

(b) A liquefied petroleum gas provider shall be immune from civil liability if the proximate cause of the injury or damages was caused by:

(1) An alteration, modification, or repair of liquefied petroleum gas equipment, that could not have been discovered by the liquefied petroleum gas provider in the exercise of reasonable care; or

(2) The use of liquefied petroleum gas equipment in a manner or for a purpose other than that for which the liquefied petroleum gas equipment was intended to be used or for which could reasonably have been foreseen provided that the liquefied petroleum gas provider or the manufacturer of the liquefied petroleum gas equipment has taken reasonable steps to warn the ultimate consumer of

the hazards associated with foreseeable misuses of the liquefied petroleum equipment.

(c) Nothing in this section shall be construed as affecting, modifying, or eliminating the liability of a manufacturer of liquefied petroleum gas equipment or its employees under any legal claim, including but not limited to, product liability claims.

(d) No defendant may allege or prove that a person or entity caused or contributed to cause a plaintiff's injuries, death, or other losses unless the plaintiff could have maintained an action against the person.

SECTION 2. This act shall take effect on July 1, 2006, and shall apply only to causes of action arising on or after July 1, 2006. Any cause of action arising prior to that date shall continue to be governed by the laws in effect at the time such cause of action arose.

PASSED: May 11, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 23rd day of May 2006


PHIL BREDESEN, GOVERNOR